



Library and Archives Canada  
Annual Report on the *Privacy Act*:  
2020–2021



Catalogue No.: SB1-15E-PDF

ISSN: 2562-444X

Annual Report on the Privacy Act (Library and Archives Canada)

Également disponible en français sous le titre : *Rapport annuel concernant la Loi sur la protection des renseignements personnels (Bibliothèque et Archives Canada)*

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# 1. Report on the *Privacy Act*

## 1.1 Introduction

The *Privacy Act* (the Act) provides Canadian citizens and permanent residents with the right of access to and correction of personal information about themselves that is under the control of a government institution. The Act also provides the legal framework for the collection, retention, use, disclosure, disposition and validation of the accuracy of personal information in the administration of programs and activities by government institutions subject to the Act.

The Act defines “personal information” as “information about an identifiable individual that is recorded in any form.” Examples of personal information include data about the race, national or ethnic origin, colour, religion, age, or marital status of an individual; the education or the medical, criminal, financial, or employment history of an individual; the address, fingerprints or blood type of an individual; and/or any identifying number, symbol or other particular identifier assigned to an individual.

This report has been prepared and tabled in Parliament in accordance with section 72 of the Act. It covers the period from April 1, 2020, to March 31, 2021, for Library and Archives Canada (LAC).

## 1.2 Mandate of Library and Archives Canada

The mandate of LAC is:

- to preserve the documentary heritage of Canada for the benefit of present and future generations;
- to serve as a source of enduring knowledge accessible to all, contributing to the cultural, social and economic advancement of Canada as a free and democratic society;
- to facilitate co-operation among Canadian communities involved in the acquisition, preservation and diffusion of knowledge; and
- to serve as the continuing memory of the Government of Canada and its institutions.

LAC’s Access to Information and Privacy (ATIP) Division is unique within the Government of Canada (GC) as it supports LAC’s broad mandate to provide access to Canada’s documentary heritage and serve as the continuing documentary memory of the federal government.

Currently, over 99% of LAC’s ATIP requests are for records in its care and custody that were created by other GC departments. Less than 1% are requests relating to LAC’s own operational records. LAC’s collections of records are stored at its facilities in the National Capital Region, Winnipeg, and Vancouver.

## 1.3 Types of records requested under the *Privacy Act*

### **Government Records**

All government records deemed to have enduring value are sent to LAC once they are no longer needed for operational purposes in their creating department. This requires LAC to collect, preserve and provide access to historical records created by the various departments and agencies of the federal government, which amounts to over 200 linear kilometres of textual, cartographic, photographic, audiovisual and digital records, dating back to 1867.

The majority of these records are restricted under ATIP, because they have never been reviewed for access or because they contain sensitive or personal information that can only be released in accordance with ATIP legislation. The ATIP requests that LAC receives pertaining to Government of Canada archival records are typically voluminous, large in scope and complex.

### **Military and Civilian Personnel Files**

LAC also holds and preserves 4.85 million military and civilian personnel files, many of which are semi-active and continue to be consulted for ongoing programs and benefits.

In 1971, the control and supervision of the War Records Division of Veterans Affairs Canada (VAC) and all of its records were transferred to LAC, in accordance with Order in Council *P.C. 1971-1989*. Most of the ATIP requests received each year by LAC are to access the restricted military personnel files of former members of the Canadian Armed Forces (CAF). These include:

- Canadian Forces regular members (1919 to 1997);
- Canadian Forces reserve members (1919 to 2007); and
- Newfoundland Militia members who served in the Second World War.

In addition, LAC handles requests for the medical or dental records of the CAF regular and reserve members who were released from service more than five years ago, or who died in service more than five years ago.

Since 1971, LAC has worked with the relevant departments (National Defence [DND], VAC, and Public Services and Procurement Canada [PSPC]) to deliver this unique program and provide the necessary services to Canadians.

LAC also holds the dormant records of former federal public servants (FPS) that were transferred to LAC prior to April 1, 2018. These records are held until a public servant becomes 80 years old, at which time that individual's records are destroyed. Due to a litigation hold currently in place on these records, no records are being destroyed at this time. LAC no longer accepts the personnel files of former FPS for long-term retention. This is aligned with LAC's mandate, which is to acquire and preserve archival records but does not include the storage of dormant records.

## **LAC Operational Records**

While the majority of the LAC ATIP Division's workload relates to its very unique role in providing access to restricted records created by other GC departments in its care and custody, the division also has important responsibilities relating to LAC's own operations as an institution of the GC. This work includes; processing requests for LAC's own operational records, ensuring that LAC is meeting all of its responsibilities under the Act (including Privacy regulations, policies and directives), providing subject matter expertise in response to Parliamentary Questions related to ATIP, and approving the responses to all Parliamentary Questions made to the institution.

## **Formal and Informal request processes**

LAC processes requests by applying both formal and informal processes. This practice was put in place to provide Canadians with access to the large volume of material that must be processed through the ATIP Division in support of LAC's mandate to provide access to the millions of restricted records in its care and custody.

Formal requests are those officially made under the *Privacy Act* and a response is required within 30 calendar days of the date the request was received by LAC. Requestors are also entitled to make a formal complaint regarding the processing of their request to the Privacy Commissioner after 30 days of its receipt by LAC.

Informal requests are not covered under any Act but are reviewed in the spirit of the Act. The number of requests received and the complexity of each request dictate the timeframe for the completion of informal requests.

Clients may choose between either process. Both formal and informal request processes require a page-by-page review of records or selected documents by an ATIP analyst.

LAC processes significantly more informal than formal Privacy requests. In the 2020-2021 fiscal year, LAC received a total of 4,387 Privacy requests, 1,516 (35%) of which were formal Privacy requests and 2,871 (65%) of which were informal Privacy requests.

Of the 1,516 formal Privacy requests received by LAC in 2020-2021, 45% (679) pertained to military and civilian personnel files, 55% (836) pertained to archival government records, and less than 1% (1) pertained to its own operational records.

Of the 2,871 informal Privacy requests received by LAC in 2020-2021, over 99% (2,869) pertained to military and civilian personnel files, less than 1% (2) pertained to archival government records, and no (0) requests pertained to its own operational records.

**Table 1: Types of records requested under the *Privacy Act* in 2020-2021**

Type of Record	Type of Request	Requests Received	Requests Completed*
Military and dormant records of federal public servants	Formal	679	691
	Informal	2869	3238
	<b>Total</b>	<b>3548</b>	<b>3929</b>
GC archival records	Formal	836	540
	Informal	2	2
	<b>Total</b>	<b>838</b>	<b>542</b>
LAC operational records	Formal	1	1
	Informal	0	0
	<b>Total</b>	<b>1</b>	<b>1</b>
Grand total (all types of records)	Formal	1516	1232
	Informal	2871	3240
	<b>Total</b>	<b>4387</b>	<b>4472</b>

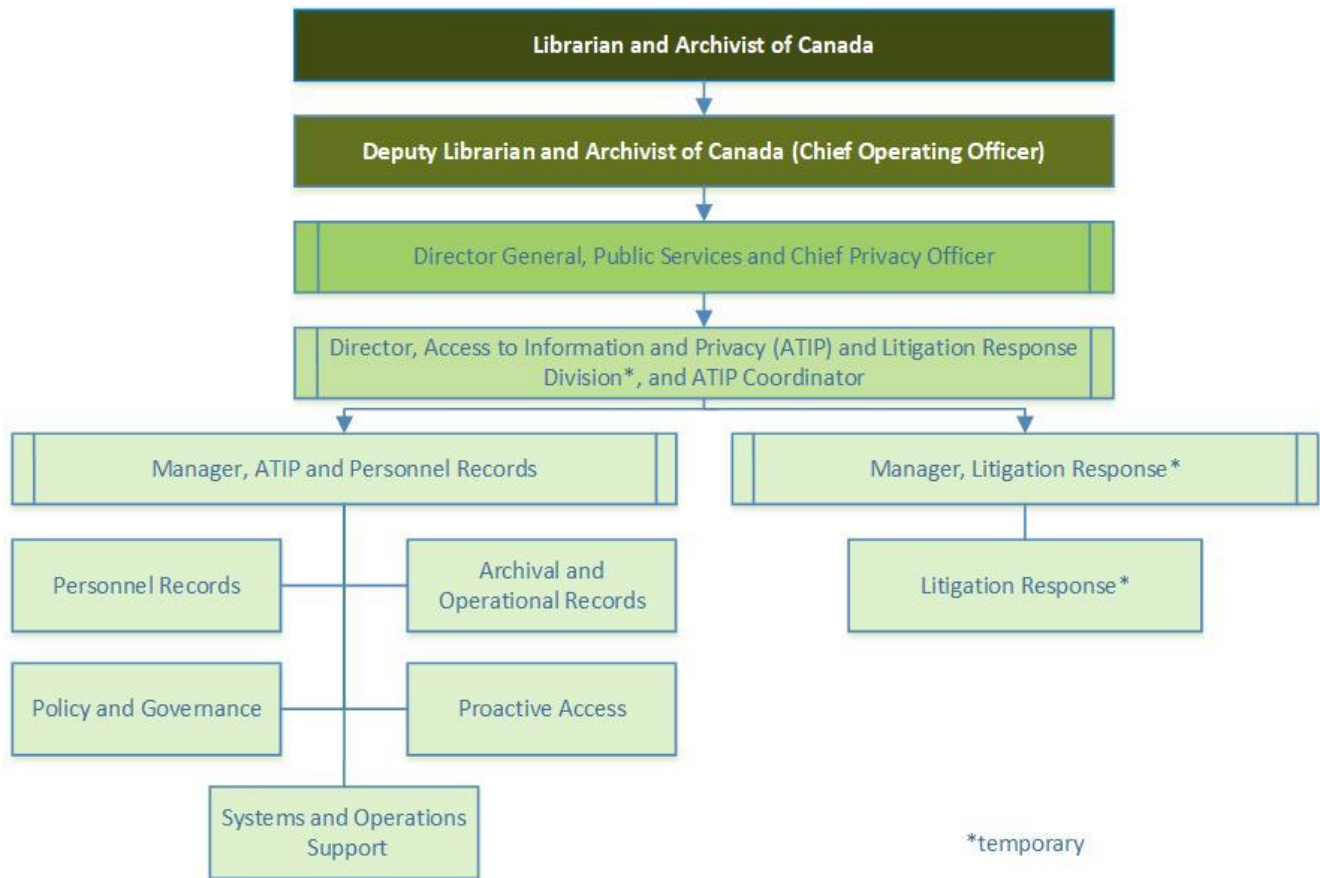
\*Some requests completed were carried over from the previous fiscal year.

#### 1.4 Organization

The organizational chart below outlines the reporting structure relating to Access to Information and Privacy (ATIP) at LAC.



**Figure 1: Access to Information and Privacy reporting structure**



In the 2018–2019 fiscal year, the division responsible for ATIP at LAC temporarily changed its name from the *Regional Services and ATIP Division* to the *Access to Information and Privacy (ATIP) and Litigation Response Division*. This division has experienced changes in its human resources and reporting structure to respond to the increasing number of ATIP requests, and add a project-funded Litigation Response team.

Currently, LAC’s ATIP and Litigation Response team comprises five core business areas: Personnel Records, Archival and Operational Records, Proactive Access, Policy and Governance, and Systems and Operations Support. Their functions are described below.

**Personnel Records:**

- Processes formal and informal access, and privacy requests, for restricted personnel files of former members of the CAF as well as former FPS.

**Archival and Operational Records:**

- Processes formal and informal access, and privacy requests, on LAC's operational records, restricted archival records under LAC's control, and consultation requests from other GC institutions;
- Reviews restricted finding aids concerning archival records transferred to LAC for permanent custody, and severs information that remains restricted; and
- Provides access to authorized current FPS to restricted archival records under LAC's control.
- Processes informal access requests in support of Schedule L of the [LGBT Purge Class Action Final Settlement Agreement](#)

#### Proactive Access:

- Performs a proactive risk-based review of archival records in LAC's holdings in accordance with the *Access to Information Act* and the *Privacy Act*, following a set procedures, to determine if blocks of records can be proactively "opened" and made available to the public and researchers.
- Proactive development of strategic mechanisms for the opening of records in LAC's collection in collaboration of the efforts of other business areas at LAC.

#### Policy and Governance:

- Reviews the implications of changes to ATIP legislation on LAC's business;
- Develops policies and procedures; and
- Leads the development of a range of internal and external reports and analysis of statistics.

#### Systems and Operations Support:

- Registers requests and responds to telephone inquiries regarding the status of requests;
- Provides clerical support to the Division's incoming and outgoing requests;
- Manages the institution's use of ATIP-specific software; and
- Generates statistical reports from this software for ATIP work completed on various classified networks.

In addition to these five business areas, the Division currently includes the temporary Litigation Response (LR) team, which LAC formed in 2018–2019 to meet its temporary needs related to its role in supporting the GC's response to the [LGBT Purge Class Action Final Settlement Agreement](#) and to prepare for future upcoming class actions.

Given the nature of the records held in its care and custody, LAC is typically involved in the GC's response to class action lawsuits, whether in providing access to historical records documenting the policies of the GC or, more specifically, the personnel files of former CAF members, former FPS and some former members of the Royal Canadian Mounted Police (RCMP).

Since the claims settlement period for the LGBT Purge Class Action ended in the 2019-2020 fiscal year, in the 2020-21 fiscal year, the LR team has started providing support as part of the Government of Canada's (GC) response to the [CAF-DND Sexual Misconduct Class Action Settlement](#).

#### Litigation Response:

- Works collaboratively with DND to ensure that LAC provides all relevant responsive records for the claims settlement process;
- Retrieves files, prepares files for digitization, and ensures quality control of digitized records of former DND and former members of the CAF; and
- Performs informal privacy review on records of former members of the CAF from within LAC holdings prior to providing these records to DND.

The Litigation Response team's work in support of the [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#) is a specifically funded activity (for more information see section **Error! Reference source not found.** Costs).

During this reporting period, LAC's ATIP Division had 34.944 full-time equivalents (FTEs) assigned to processing *Privacy Act* requests. This includes the 15.88 FTE of the externally funded Litigation Response team.

#### Service agreements

LAC was not party to any service agreements under section 73.1 of the *Privacy Act* during the reporting period.

### 1.5 Delegation order

For the purposes of the Act, the Minister of Canadian Heritage delegates his or her powers, authorities and responsibilities to the Librarian and Archivist of Canada. The Librarian and Archivist of Canada is accountable for developing, coordinating and implementing effective policies, guidelines, systems and procedures. This delegation order ensures that the Minister's responsibilities under the Act are met and that information is processed and disclosed appropriately.

At LAC, the Librarian and Archivist of Canada delegates his or her powers, authorities and responsibilities to:

- The Director General, Public Services, and Chief Privacy Officer;
- The Director, ATIP and Litigation Response Division (temporary name change), and ATIP Coordinator;
- The Managers, ATIP and Personnel Records, and Litigation Response; and
- The ATIP Analysts in the Division.

The latest delegation order was issued by the Minister of Canadian Heritage to LAC in May 2016 and is available in **Appendix A** of this report.

## 1.6 Statistical report

Statistical reporting pertaining to the administration of the Act has been in place since 1983. The statistical reports prepared by government institutions provide aggregate data on the application of the Act. This information is made public on an annual basis and is included with the annual reports on ATIP tabled in Parliament by each institution. Because requests submitted via the formal route are subject to statutory timelines, the statistical report provides data related to compliance by institutions to the legislated time frames, subject to the Act. A comprehensive statistical report on the formal privacy requests processed by LAC in the 2020–2021 fiscal year is available in **Appendix B** of this report, and several segments are highlighted in the relevant sections.

Information on the processing of informal privacy requests will also be described within this report. The resources described in this report encompass the processing of both formal and informal privacy requests.

All statistics included in this report are representative of the most current data available to LAC at the time of writing this report.

## 1.7 Impact of COVID-19-related measures

Despite the extraordinary circumstances caused by the COVID-19 pandemic, LAC continued processing ATIP requests during the past fiscal year, albeit at limited capacity. In response to the COVID-19 pandemic, LAC initially closed all of its public service points and consultation rooms (located in Ottawa, Vancouver, Winnipeg and Halifax) on March 14, 2020. Starting in September 2020 and for the remainder of the fiscal year, LAC's facilities were reopened and closed again to the public at various times in alignment with applicable local and provincial public health orders.

All of LAC's ATIP employees began working from home on March 18, 2020 and quickly adapted their processes to a new telework environment.

To mitigate the impact of the COVID-19 pandemic on LAC's ability to fulfill its *Privacy Act* responsibilities, LAC continued to process those requests that were already digitized up to the Protected B level and communicated with its clients to inform them of its limited operations. Specifically, LAC posted messages on its website and emailed clients where possible to inform them that LAC would continue to make reasonable efforts to respond to requests but that, in this exceptional context, LAC might not be able to respond to requests as it would during normal operating circumstances and that clients should expect delays.

New requests submitted by clients through online forms or fax continued to be registered, but requests received by mail were temporarily inaccessible to staff working from home. LAC's

mailroom closed on March 19, 2020 and reopened on April 7, 2020 at which time one staff member in ATIP was then able to come onsite once a week to retrieve and scan incoming mail (which included new requests from clients), and mail out urgent release packages to clients that required paper copies.

While working from home, LAC's ATIP analysts were able to complete the review of already digitized material up to the Protected B level. However, they could not review material that had not yet been digitized or had a security designation above the Protected B level as this work can only be performed onsite. While working remotely, LAC started sending digital release packages up to the Protected B level to its clients using Canada Post's *epost Connect*<sup>TM</sup> service.

In response to the extraordinary circumstances, on May 11, 2020, Leslie Weir, Librarian and Archivist of Canada, made the decision to temporarily dedicate LAC's reduced resources to prioritize urgent requests for information for veterans requiring access to critical medical care and place new formal ATIP requests and current active formal ATIP requests on hold effective March 18, 2020, until further notice. This decision was guided by the fact that LAC would not be able to meet legislated timelines or seek extensions on requests since over 99% of ATIP requests made to LAC are for information contained in paper records that LAC did not have the ability to retrieve or consult while access to its facilities was limited to employees working on critical services. During this time, when LAC received an urgent request for information for veterans requiring access to critical medical care, designated staff members exceptionally came onsite to retrieve and review the record in order to provide it to the client.

Similarly, when LAC received an urgent request to obtain documents in support of a claim related to the [Federal Indian Day Schools Class Action](#) such as for an individual in failing health, a designated staff member exceptionally came onsite to retrieve and review the record in order to provide it to the client.

LAC also made a concerted effort to develop new paperless workflows based on information it could obtain from its systems to continue providing urgent services to VAC and the [Last Post Fund](#) remotely in support of Canadian veterans throughout the pandemic.

To meet Canada's commitments under Schedule L of the [LGBT Purge Class Action Final Settlement Agreement](#), LAC also prioritized its work to process the LGBT purge historical document collection during this period and one designated staff member continued to perform this work onsite.

As previously mentioned, LAC was also responsible for undertaking the informal privacy review on the records of former CAF members in support of the GC's response to [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#) which started in this past fiscal year. To prepare for the arrival of the first requests for documents in support of the claims settlement process, staff members from LAC ATIP's Litigation Response team located in Winnipeg were among the first of LAC's staff members to return to the workplace during the month of July 2020 when LAC's Winnipeg office reopened.

On August 11, 2020, a limited number of staff from ATIP and supporting areas such as Circulation, Digitization, and Government Archives working in the NCR were among the first of LAC's staff to return onsite to the workplace when LAC's offices in the NCR reopened.

New health and safety procedures were now in place for staff to follow such as mandatory mask wearing, social distancing, hand-washing, and hand-sanitizing. These new procedures also included the quarantining of paper records for a 3-day period following their manipulation by a staff member. This important safety precaution was implemented by LAC in accordance with guidelines from the Canadian Conservation Institute. For LAC's ATIP operations, this meant that each time an ATIP analyst looked through a box of records or a personnel file to identify the record required to respond to an ATIP request, the record needed to quarantine for 3 days before a member of LAC's digitization team could scan it – slowing down LAC's response time to an ATIP request.

As of August 11, 2020, when LAC's ATIP staff regained limited onsite access and the digitization team was able to resume the scanning of new material in support of ATIP analysts working from home, LAC was able to start responding to a greater number of urgent requests. As such, LAC updated its messaging to inform clients that it was now prioritizing urgent requests related to medical benefits, social services, class actions, and legal proceedings, including requests to obtain documents in support of a claim related to the [Federal Indian Day Schools Class Action](#).

By the end of September 2020, when the provinces of Quebec and Ontario were in the 2<sup>nd</sup> wave of the pandemic, it became evident that the COVID-19 situation was going to affect LAC's ATIP operations long-term.

As a result, on November 27, 2020, Leslie Weir approved a briefing note that outlined LAC ATIP's new approach to formal requests. As of December 4, 2020, LAC removed the hold that had been placed on all formal ATIP requests received since March 18, 2020 that had not yet been processed. LAC communicated with its clients to inform them that it had not been able to respond to their formal request within the timelines mandated by the *Access to Information Act* or the *Privacy Act* and informed them of their rights to submit a complaint to the Office of the Information Commissioner (OIC) or the Office of the Privacy Commissioner (OPC). Formal ATIP requests received before March 18, 2020 were never placed on hold.

For the remainder of the 2020-2021 fiscal year, LAC's onsite presence remained limited due to floor capacity limits that were instituted in light of new social-distancing requirements and due to provincial public health orders such as lockdowns and stay-at-home orders.

As LAC's ATIP Division continued to operate at limited capacity for the remainder of the 2020–2021 fiscal year, urgent requests related to medical benefits, social services, class actions, legal proceedings, and other urgent circumstances continued to be prioritized by the Division even though the hold had been lifted.

As a result of the extraordinary circumstances of the past fiscal year, LAC's ability to fulfill its *Privacy Act* responsibilities was significantly impacted between March 31, 2020, and March 31, 2021. However, at all times throughout the 2020-2021 fiscal year, the continued operations of LAC's ATIP Division and its ability to process ATIP requests remained an institutional priority for LAC.

Resources from across the institution were redirected to support the ATIP Division and mitigate the impact of the COVID-19 pandemic as much as possible on its ability to fulfill LAC's responsibilities under the *Access to Information Act* and *Privacy Act*.

A supplemental statistical report on the impact of COVID-19 measures for the 2020–2021 fiscal year is available in **Appendix C** of this report.

## 2. Interpretation of the Statistical Report for Requests Under the *Privacy Act*

### Part 1 – Requests under the Privacy Act

#### 1.1 Number of formal requests

##### **Formal requests received**

Each year, LAC receives a significant number of formal Privacy requests from individuals seeking information about themselves in records held by LAC. As mention in Section 1.3 above there are three groupings of records within LAC: personnel files (military service files of former CAF members and dormant records of former FPS), GC archival records (records deemed to have enduring value transferred to LAC by government institutions when they are no longer required for ongoing operational purposes), and LAC's own operational records.

In the 2020-2021 fiscal year, LAC received a total of 1,516 formal Privacy requests.

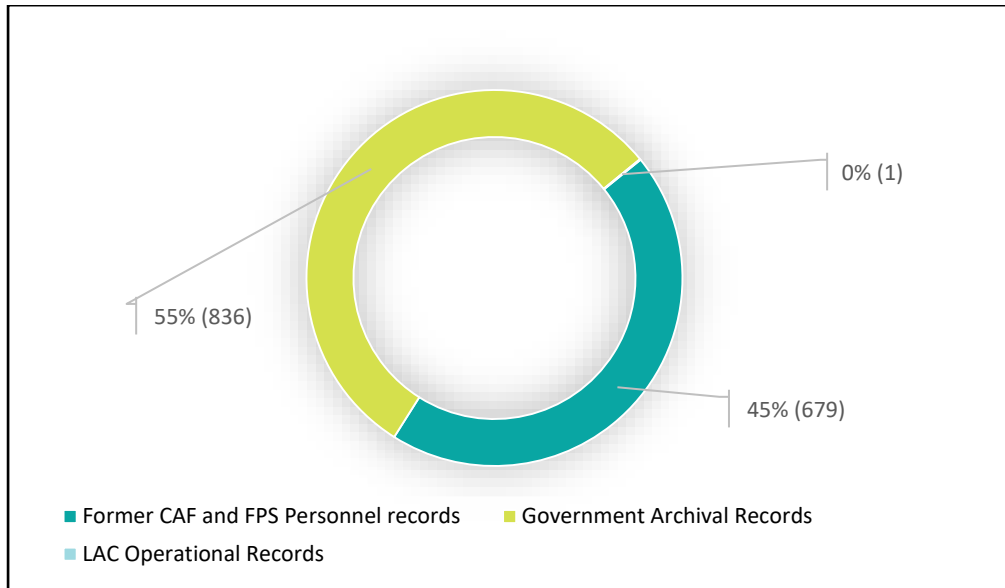
Specifically, 55% (836) formal Privacy requests received by LAC in 2020-2021 were related to GC archival records in support of claims related to the [Federal Indian Day Schools Class Action](#); 45% (679) formal Privacy requests received by LAC in 2020-2021 were related to personnel files; and less than 1% (1) was related to LAC's operational records.

During the past two fiscal years, LAC has seen a surge in Privacy requests for documentation in its GC archival records due to the [Federal Indian Day Schools Class Action](#). From the 2019-2020 fiscal year until the end of this reporting period, LAC has received approximately 1,444 Privacy requests for documentation in its GC archival records in support of claims related to the [Federal Indian Day Schools Class Action](#).

LAC's management of requests for dormant military service files under its care and control, in accordance with Order in Council *P.C. 1971-1989* (September 21, 1971) also represents a significant workload for the ATIP and Litigation Response Division. In recent years, there has been increased awareness of benefits and services offered to former CAF members, in addition to requests from individuals preparing for claims submissions to various class actions, which may be contributing to the large volume of Privacy requests for these records.

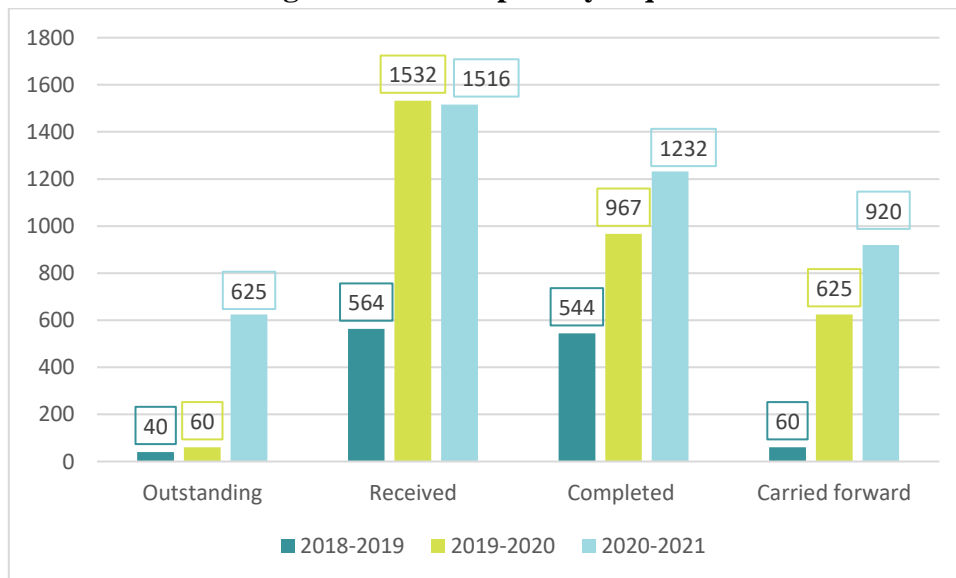


**Figure 2: Formal Privacy requests received by type of record**



During to the COVID-19 pandemic, LAC saw a minimal difference in the overall number of formal Privacy requests received in 2020-2021 (1,516 requests) compared with 2019-2020 (1,532 requests). Over these past two years, LAC has seen a significantly high demand for records in support of claims related to the [Federal Indian Day Schools Class Action](#) and for personnel files in support of benefits, services, and litigation claims for former CAF members and former FPS.

**Figure 3: Formal privacy requests**



### **Formal requests completed**

In 2020–2021, LAC completed 1,232 formal Privacy requests, 56% (691) of which were related to personnel files, 44% (540) related to GC archival records, and less than 1% (1) related to LAC operational records.

This represents an increase of 27% in completed formal Privacy requests over the previous fiscal year, in which LAC responded to 967 formal Privacy requests.

Due to impact of the COVID-19 pandemic on LAC's operations, there was a sudden decline in the volume of requests completed by LAC in Q1 of 2020-2021. By Q3 and Q4, the volume of requests completed had increased significantly, allowing LAC to complete an overall higher volume of formal Privacy requests than in 2019-2020. Specifically in Q1 of 2020-2021, LAC completed 32 formal Privacy requests; in Q2 LAC completed 203 formal Privacy requests; in Q3 LAC completed 539 formal Privacy requests; and in Q4 LAC completed 458 formal privacy requests.

LAC's ability to respond to Privacy requests can be attributed to a number of factors, such as the number of requests received in a given year, their volume (number of pages to be reviewed), their complexity, the staff resources available for this workload, availability of tools, and process improvements/changes. Furthermore, this past year a surge in requests for documentation in support of claims related to the [Federal Indian Day Schools Class Action](#) and the changing public health situation due to the COVID-19 pandemic have significantly impacted LAC's ability to respond to Privacy requests (see 1.7 for more information on the impact of the COVID-19 pandemic on LAC's operations in 2020-2021).

Recognizing the important role that LAC plays in supporting the health and wellbeing of Canadians, LAC has been prioritizing the processing of urgent requests related to medical benefits, social services, class actions, and legal proceedings throughout the pandemic. This prioritization has resulted in a high volume of formal privacy requests being completed.

### **Formal Privacy request trends**

During the past five years, LAC has experienced significant ongoing growth in the number of formal privacy requests that it receives. During this reporting period (April 1, 2020, to March 31, 2021), LAC received 1,516 formal privacy requests which is comparable to the volume of formal privacy requests received in the 2019-2020 fiscal year (1,532). However in the previous three fiscal years, LAC was seeing an ongoing upward trend of formal privacy requests received. Specifically, in 2016-2017 LAC received 372 formal privacy requests; in 2017-2018 LAC received 427 formal privacy requests, and in 2018-2019 LAC received 564 formal privacy requests. This growth represents an increase of 308% over 5 years (from 2016-2017 to 2020-2021).

In conjunction with the growth in volume of formal privacy requests received, LAC has been carrying forward a growing number of formal requests each year. Between March 31, 2020 and

March 31, 2021 the volume of formal privacy requests carried forward into the next fiscal year grew from 625 requests to 920 requests.

The growth in the number of requests carried over during the past years can be attributed to an insufficient number of resources to meet the growing interest and need for Canadians to access the records in LAC's care and custody. This past year, this issue was further compounded by the impact of the COVID-19 pandemic on LAC's ability to respond to requests, and a surge in formal privacy requests for government records in support of claims related to the [Federal Indian Day Schools Class Action](#). In the 2019-2020 and 2020-2021 fiscal years, LAC has received a combined total of 1,444 formal privacy requests related to the [Federal Indian Day Schools Class Action](#). The deadline for claimants to submit a Claim Form in this Class Action is July 13, 2022. As such, LAC expects to continue receiving a significant volume of formal privacy requests related to this Class Action in the next two fiscal years.

As clients are not required to self-identify when submitting a Privacy request to LAC, the exact number of requests received by LAC through its regular request process related to class actions cannot be confirmed. Where individuals did self-identify as requiring records in preparation for a class action lawsuit, LAC can report the following number of formal privacy requests it received through its regular request process in 2020–2021\*:

- 21 requests related to the Indigenous Hospitals Class Action; and
- 836 requests related to the [Federal Indian Day School Class Action](#).

\*Note: this does not include the 402 informal privacy requests received by the Litigation Response unit as part of LAC's role in the GC response to the [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#). For more information see Section 1.2.

In addition to the high demand for both personnel files and government records, a factor that may be contributing to the growing trend of formal privacy requests received by LAC is its growing queue of informal requests. For several years, LAC has been unable to complete the number of informal ATIP requests it receives through in a year and carries forward a significant number of requests from one year to the next.

On March 31, 2021, LAC had a total of 1,839 uncompleted informal Privacy requests that it carried forward into the 2021-2022 fiscal year. The volume of informal Privacy requests in LAC's backlog represents 64% of the volume of informal privacy requests that LAC received in the 2020-2021 fiscal year. Most significantly, this situation has resulted in client wait times of up to 2 years for responses to some informal Privacy requests made to LAC. We therefore infer that more clients are choosing to submit formal requests in order to receive faster service in accordance with legislated timelines and to gain the right to complain under the Act regarding delays in the processing of their request by LAC.

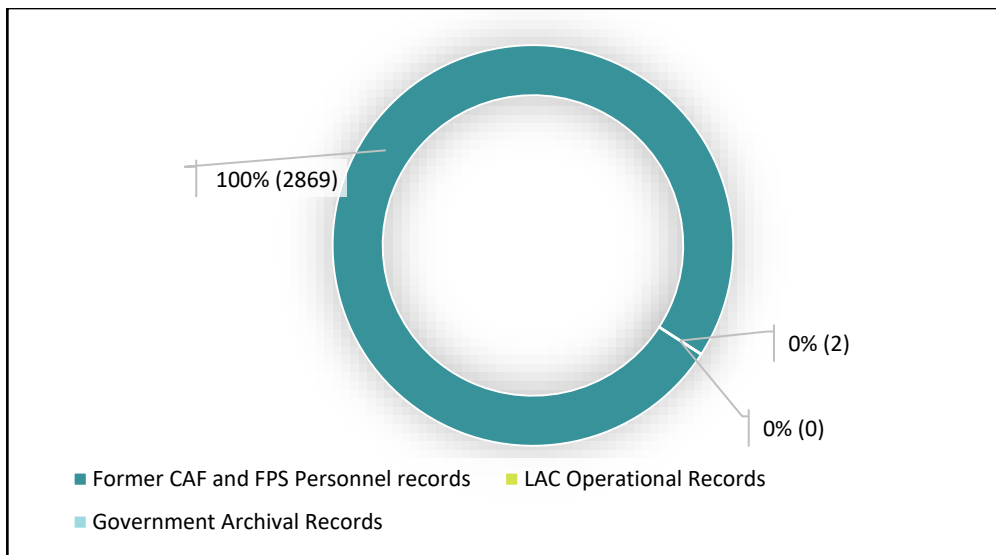
## 1.2 Number of informal requests

### Informal Privacy requests received

In the 2020-2021 fiscal year, LAC received a total of 2,871 informal Privacy requests.

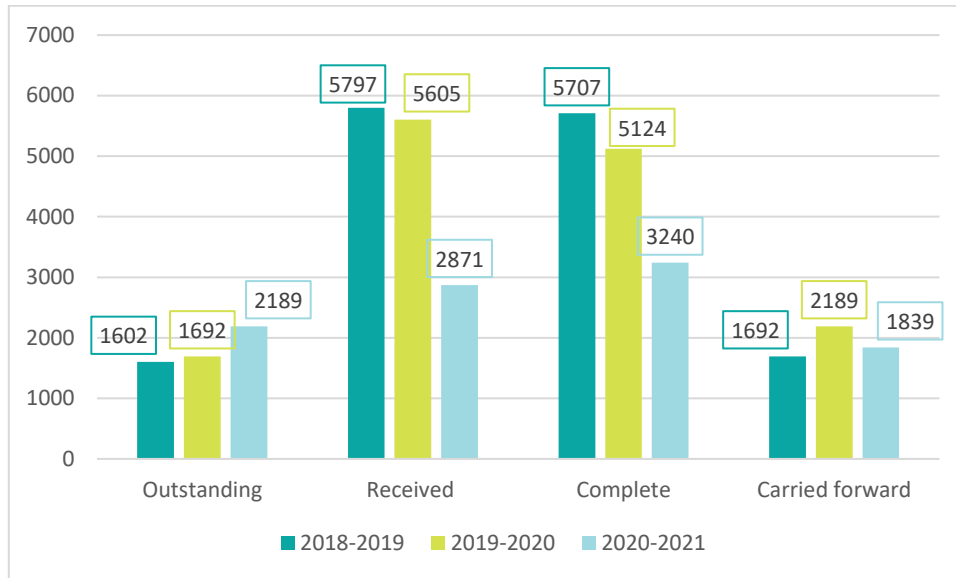
Like formal Privacy requests, informal Privacy requests are made to access three types of records within LAC's holdings. These include GC archival records, former CAF and former FPS personnel records, and LAC's own operational records. Almost all (99.9%) of the informal Privacy requests made to LAC in 2020-2021 applied to former CAF members and former FPS personnel records.

**Figure 4: Informal requests received by type of record**



During the COVID-19 pandemic, LAC saw a decrease of 49% in the overall number of informal Privacy requests received in 2020-2021 (2,871 requests) compared with 2019-2020 (5,605 requests). At the onset of the pandemic, which occurred at the start of the 2020-2021 fiscal year, there was a sudden decline in requests received. In Q1 of 2020-2021, 403 informal Privacy requests were received compared with 1,713 informal Privacy requests received during the same period in 2019-2020. In Q2 of 2020-2021, 793 informal Privacy requests were received compared with 1,527 informal Privacy requests received during the same period in 2019-2020. In Q3 of 2020-2021, 848 informal Privacy requests were received compared with 1,368 informal Privacy requests received during the same period in 2019-2020. In Q4 of 2020-2021, 827 informal Privacy requests were received compared with 997 informal Privacy requests received during the same period in 2019-2020.

**Figure 5: Informal privacy requests**



### **Informal Privacy requests completed**

In 2020–2021, LAC responded to 3,240 informal privacy requests (including the responses related to the [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#)), which represents 37% fewer requests completed than in 2019-2020 (5,124 requests). LAC’s ability to respond to Privacy requests can be attributed to a number of factors, such as the number of requests received in a given year and their volume (number of pages to be reviewed), the staff resources available for this workload, consultation requirements, availability of tools, and process improvements/changes. This past year, due to the high volume of formal Privacy requests for LAC to process and the impact of the COVID-19 pandemic on operations, it has become increasingly difficult for LAC to process informal Privacy requests made by clients in a timely manner (see Section 1.7 for more information on the impact of the COVID-19 pandemic on LAC’s operations). As mentioned in Section 1.1, this has resulted in client wait times of up to 2 years for responses to some informal privacy requests made to LAC.

While informal requests are not subject to the same legislated time frames as formal requests made under the Act, LAC strives to limit the number of days that it takes to complete informal privacy requests as much as possible. In the 2020-2021 fiscal year, LAC was able to complete 29% (938) of informal Privacy requests within 30 days.

Recognizing the important role that LAC plays in supporting the health and wellbeing of Canadians, LAC has been prioritizing the processing of urgent requests related to medical benefits, social services, class actions, and legal proceedings throughout the pandemic.

**Table 2: Completion Time of Informal Privacy Requests in 2020-2021**

Number of Days	2020–2021	2019-2020	2018-2019
1 to 15 days	642 (20%)	1,264 (25%)	1,331 (23%)
16 to 30 days	296 (9%)	662 (13%)	1,131 (20%)
31 to 60 days	222 (7%)	1,021 (20%)	1,404 (25%)
61 to 120 days	427 (13%)	1,159 (23%)	958 (17%)
121 to 180 days	501 (15%)	148 (3%)	473 (8%)
181 to 365 days	571 (18%)	825 (16%)	408 (7%)
More than 365 days	581 (18%)	45 (1%)	2 (0%)
<b>Total # Requests completed</b>	3,240	5,124	5,707

As previously mentioned, LAC is responsible for undertaking the informal privacy review on the records of former CAF members in support of the GC’s response to [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#) and has a dedicated unit to complete this work. To prepare for the arrival of the first requests for documents in support of the claims settlement process this past fiscal year, staff members in LAC’s Litigation Response team located in Winnipeg were among the first of LAC’s staff members to return to the workplace during the month of July 2020 when LAC’s Winnipeg office reopened to staff.

Between April 1, 2020, and March 31, 2021, LAC completed 393 requests, reviewing 5,418 pages as its part of the GC’s response. These figures are included in the total number of informal requests processed by LAC in 2020–2021.

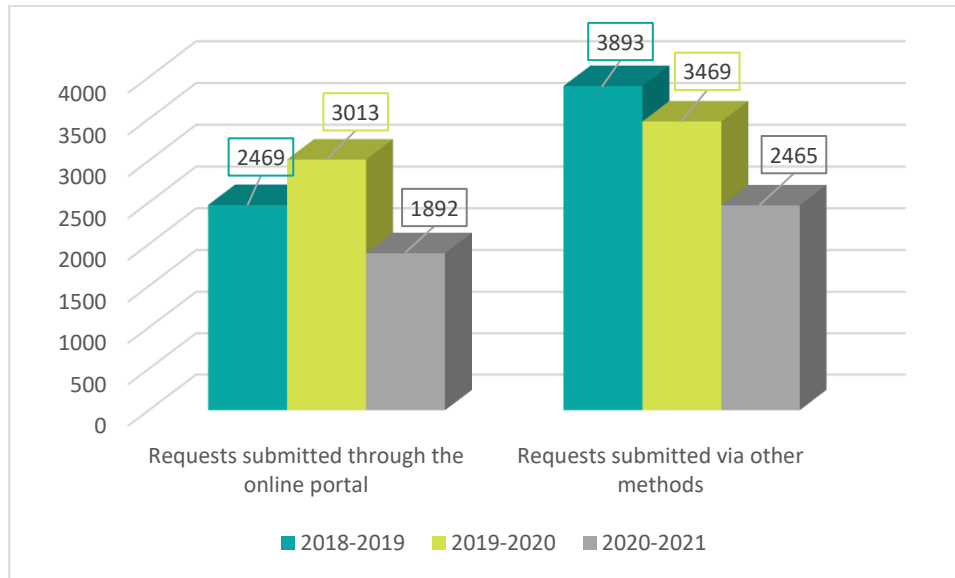
**Table 3: Informal requests related to CAF-DND Sexual Misconduct Class Action**

Requests Received	Requests Completed*	Pages Reviewed	Pages Released	Files Digitized
402	393	5,418	3,129	288

### 1.3 Requests submitted online

Since 2016, Clients have had the ability to submit ATI and Privacy requests using online application forms directly on LAC’s website. Since that time, LAC has noted that its clients have used these forms more frequently with each passing year.

**Figure 6: Number of requests submitted online**



\*Note: Other methods include by fax, email, regular mail and in person

In 2016–2017, LAC received 191 online Privacy requests. In 2017–2018, LAC received 308 online Privacy requests which represented an increase of 61% over the previous fiscal year. In 2018–2019, LAC received 2,469 online Privacy requests which represented an increase of 700% over the previous fiscal year. In 2019–2020, LAC received 3,013 online Privacy requests which represented 46% of the Privacy requests received by LAC, and an increase of 22% over the previous fiscal year.

In 2020–2021, LAC received 1,892 online Privacy requests which represented 43% of the Privacy requests received by LAC, and a decrease of 37% over the previous fiscal year.

Providing clients with easier and faster self-serve methods for submitting requests may also be contributing to the overall increase in requests received by LAC over these past years.

## **Part 2 – Formal requests closed during the reporting period**

### **2.1 Disposition and completion time**

In 2020–2021, LAC closed 1,232 formal Privacy requests.

This represents an increase of 27% in completed formal Privacy requests over the previous fiscal year, in which LAC responded to 967 formal Privacy requests and a continuing trend of increases (544 requests completed in 2018–2019; 402 requests completed in 2017–2018, and 378 requests completed in 2016–2017).

To meet this growing volume, LAC continues to make triage process improvements and dedicate a significant number of its FTEs to processing privacy requests. In 2020-2021, 34.944 FTEs out of a

total of 56.965 FTEs working in LAC’s ATIP and Litigation Response Division were dedicated to processing formal and informal privacy requests.

Of the 1,232 formal Privacy requests completed in 2020–2021, LAC was able to disclose all or segments of the records in 80% (990 of 1,232) of requests. In the remaining 20% (242 of 1,232) of requests, the records did not exist, or the client abandons their request prior to the preparation of the release package.

The following table provides an overview of the disposition of the completed requests.

**Table 4: Disclosure of records for completed formal requests**

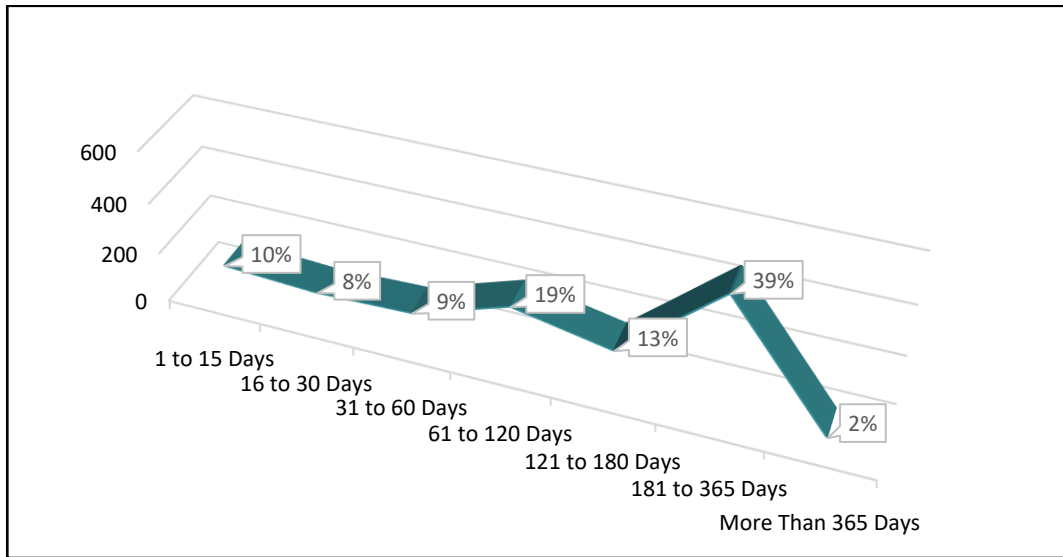
<b>Formal Privacy Requests</b>	<b>2020–2021</b>	<b>2019–2020</b>	<b>2018–2019</b>
Fully disclosed	241 (20%)	283 (29%)	198 (36%)
Partially disclosed	749 (61%)	528 (55%)	259 (48%)
Exempted in entirety	1	0	0
Excluded in entirety	1	1 (0%)	0
No existing records	159 (13%)	79 (8%)	33 (6%)
Request abandoned	81 (7%)	76 (8%)	54 (10%)
Neither confirmed nor denied	0	0	0

Note: Percentages may not add up to 100 due to rounding.

LAC processes formal privacy requests within 30 calendar days from the receipt, within the statutory requirements, unless it requires an extension. In 2020–2021, 18% of requests completed were provided to the requester within 30 days. This is a significant decrease from the 2019–2020 fiscal year, when 93% of requests were provided within 30 days. This decrease can be directly attributed to the impact of the COVID-19 pandemic on LAC’s operations this past fiscal year and the high volume of ATIP requests LAC receives.



**Figure 7: Formal privacy requests: number of days to complete**



## 2.2 Exemptions

During 2020–2021, LAC invoked exemptions under one section of the Act (section 26) for a total of 754 formal requests. The majority of privacy requests completed by LAC pertained to personnel files of former CAF members and government records in support of claims related to the [Federal Indian Day Schools Class Action](#), in which the records contain the personal information of other individuals (such as the names, dates of birth, social insurance numbers, or band numbers of other family members or individuals), therefore section 26 (information about other individuals) applied in all of these cases. LAC did not apply section 27 (solicitor-client privilege), section 19 (personal information obtained in confidence), or section 21 (international affairs and defence) for any requests in 2020-2021.

## 2.3 Exclusions

The Act does not apply to personal information contained in certain materials (i.e. library material preserved for public reference purposes) and in Cabinet confidences. LAC has invoked one (1) exclusion under section 69(1)(a) and one (1) exclusion under section 69(1)(b) during the 2020-2021 fiscal year.

## 2.4 Format of information released for formal requests

Prior to the COVID-19 pandemic, LAC prioritized formal requests, urgent requests, and all elements involved in the processing of these requests (including digitization) to meet statutory deadlines. In

the 2019-2020 fiscal year, LAC had begun working towards increasing its digital processes including the ability to send electronic release packages up to the the Protected B level.

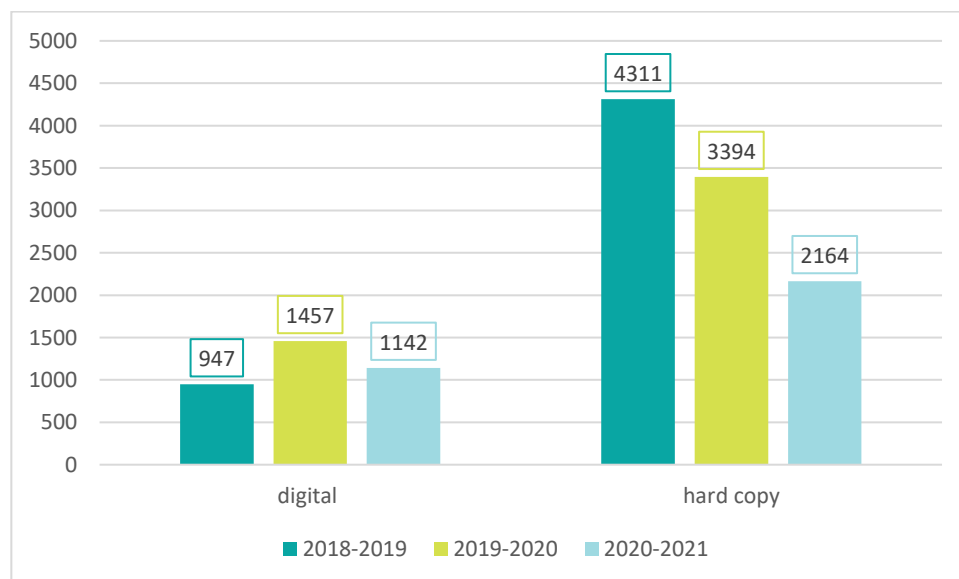
Since the onset of the pandemic in mid-March 2020, LAC has shifted to prioritizing urgent requests (formal and informal) based on client needs requiring immediate access to documents for reasons such as failing health, medical purposes, housing, benefits, employment and litigation. In order to provide documentation quickly and efficiently to its clients, LAC began using Canada Post’s *epost Connect™* service to send digital release packages up to the Protected B level. The ability to send electronic release packages greatly supported LAC’s operations during the past fiscal year, as staff access to LAC’s premises was limited or not possible at times. Furthermore, LAC’s mailroom was temporarily closed from March 19<sup>th</sup> to April 7<sup>th</sup>, 2020 at the onset of the COVID-19 pandemic. This meant that sending electronic release packages via *epost Connect™* was the only option available to LAC during that period. With the implementation of this new digital delivery method LAC is able to provide its clients with a modern alternative to receiving a CD-ROM in the mail, which previously was the only electronic delivery method available to LAC clients.

LAC clients have the option of receiving records in either hard copy (paper) or digital format.

In 2020–2021, LAC saw a decrease of 22% (1,142) in the volume of digital (electronic) records released compared with the 2019-2020 fiscal year (1,457). Specifically, 565 release packages for Privacy requests were provided on CD-ROM, and 577 release packages for Privacy requests were sent to clients via Canada Post’s *epost Connect™* service. In the 2020-2021 fiscal year, LAC also provided clients with 2,164 release packages for Privacy requests in paper format.

In alignment with LAC’s priority to be at the forefront of new technologies, LAC will continue to modernize its services and increase the availability of digital content in the coming years. This will depend on possible investments in technology, infrastructure, GC-wide initiatives (such as the ATIP online request portal), costs of service delivery and, ultimately, client preferences.

**Figure 8: Format of release packages**



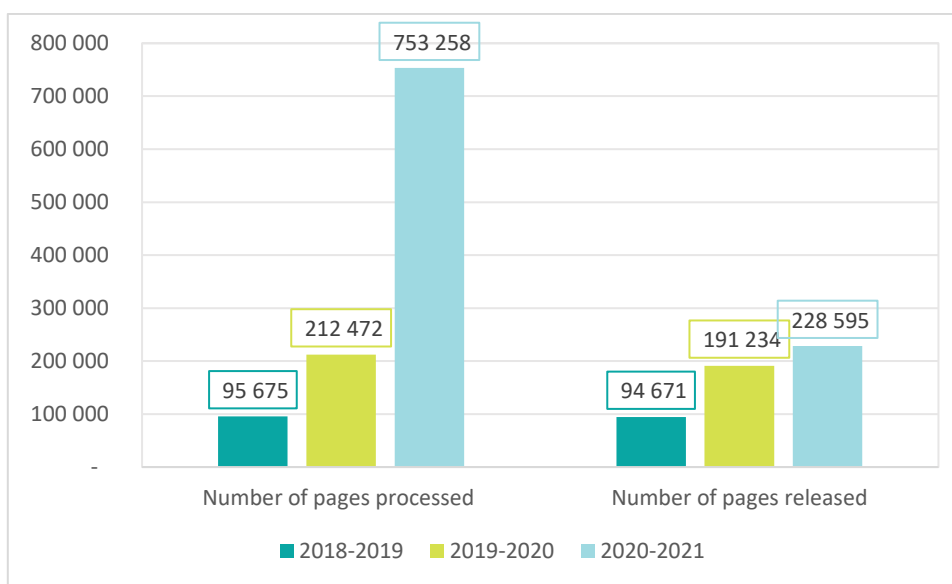
## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

LAC reviewed 753,258 pages pursuant to formal Privacy requests in 2020–2021. This represents an increase of 257% compared with the volume of pages reviewed in 2019-2020 (211,008 pages). This increase is due to the significant volume of formal Privacy requests processed in 2020-2021 and due to the voluminous nature of the records being requested.

In 2020–2021, LAC also reviewed a total of 297,975 pages of material in response to informal Privacy requests, which include the number of pages reviewed by the Litigation Response team. In total LAC reviewed 1,051,233 pages for formal and informal Privacy requests in 2020-2021.

**Figure 9: Number of pages processed and released – formal privacy requests**



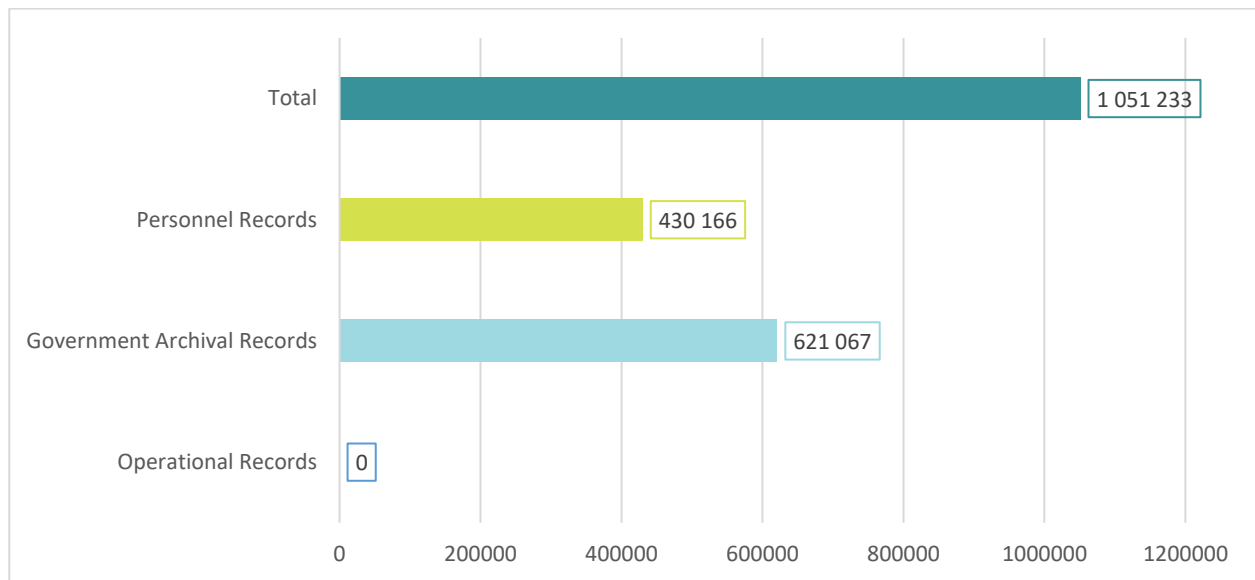
In 2020–2021, 56% of formal Privacy requests completed were for information in personnel files. In general, the more recent military service files (post–Second World War) are more complex to review, as there are more pages within an individual’s file and they contain more detailed medical information. In 2020-2021, the average number of pages reviewed for a formal Privacy request pertaining to personnel records was 193 pages.

In 2020–2021, 44% of formal Privacy requests completed were for information in government records, specifically records from the former department of Indian and Northern Affairs Canada (INAC) regarding the Federal Indian Day Schools. These records are complex to review, as they are voluminous and contain a significant amount of personal information related to other individuals

that require severing. In 2020-2021, the average number of pages reviewed for a formal Privacy request pertaining to government records was 1,147 pages.

The following chart provides the total number of pages reviewed by type of record within LAC’s collections.

**Figure 10: Pages reviewed in 2020–2021 by type of record**



### 2.5.2 Relevant pages processed and disclosed by size of request

LAC disclosed records either partially or in full for 990 formal Privacy Requests in 2020-2021; disclosing a total of 228,595 pages of a total of 753,258 pages reviewed. For 361 of these requests, LAC reviewed between 501 and 5,000 pages, and for 10 of these requests reviewed more than 5,000 pages.

### 2.5.3 Other complexities

Complexities include requests in which:

- consultation is required (e.g. in the case of intelligence records where consultation with a foreign entity or country, or with multiple departments, may be required);
- legal advice must be sought;
- information about more than one individual is found in the records (e.g. sometimes with medical or psychological records); or
- the request could not be completed as it normally would be due to the COVID-19 pandemic.

The number of complexities over the last three years was relatively consistent, based on the number of requests processed within the reporting period. However unlike in past years, in 2020-2021, the complexities were all related to the impact of the COVID-19 pandemic on LAC’s operations (for more information see Section 1.7).

**Table 5: Number of other complexities identified per fiscal year**

Fiscal Year	Total Number of Complexities
2020–2021	286
2019–2020	230
2018–2019	165

## 2.6 Deemed refusals

### 2.6.1 Reasons for not meeting statutory deadline

Of the 1,232 formal Privacy requests completed this year, 222 (18%) requests were completed within legislated timeframes, and 1,010 were completed past the statutory deadline. For 30 of these requests an internal consultation was required which caused the requests to be completed past the statutory deadline. For the majority of requests (980) the reason the statutory deadline was missed was because of the impact of the COVID-19 pandemic on LAC’s operations.

## 2.7 Requests for translation

There were no requests for translations from English to French or from French to English in the 2020–2021 reporting year.

## **Part 3 – Disclosures under subsection 8(2) of the *Privacy Act* pertaining to privacy**

During 2020–2021, LAC disclosed information pertaining to privacy in accordance with subsection 8(2) of the Act in 200 instances.

The most significant number of disclosures (74 disclosures) were in accordance with paragraph 8(2)(j), which provides access of information to any individual or body for the purposes of statistical or research purposes. Paragraph 8(2)(j) may be invoked when an applicant requests records that contain personal information which would not normally be released under another type of request. With these types of releases, the researcher requires the personal information for research;

however, he or she agrees not to use that information in a manner that would identify the individual to whom it relates. In order for disclosure to be provided under this section of the Act, the head of the institution must be satisfied that the research could not be completed without the disclosure, and the researcher must ensure that no subsequent disclosure would identify the individuals for whom information was collected.

During the reporting period, 35 disclosures were in accordance with paragraph 8(2)(e), which provides access of information to an investigative body specified for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation, if the request specifies the purpose and describes the information to be disclosed.

LAC also released information in 14 instances in accordance with paragraph 8(2)(k) of the Act: information could be released to an individual or a body acting on behalf of an Indigenous community for the purpose of research and validating a land claim or grievance. What follows is a summary of all disclosures under subsection 8(2) of the Act.

**Table 6: Summary of disclosures under subsection 8(2) of the *Privacy Act***

<b>Subsection</b>	<b>Number of Disclosures</b>
s. 8(2)(a)	63
s. 8(2)(b)	0
s. 8(2)(c)	2
s. 8(2)(d)	8
s. 8(2)(e)	35
s. 8(2)(f)	4
s. 8(2)(g)	0
s. 8(2)(j)	74
s. 8(2)(k)	14
s. 8(2)(m)	0
<b>Total</b>	<b>200</b>

During the reporting period, LAC made no disclosures in accordance with paragraph 8(2)(m) of the Act, whereby the head of the institution is of the opinion that the disclosure of personal information is considered to be in the public interest.

#### **Part 4 – Requests for correction and personal information and notations**

During 2020–2021, LAC received no requests to correct personal information.

## **Part 5 – Extensions**

### **5.1 Reasons for extensions and disposition of requests**

In 2020–2021, 92 extensions were necessary; in all (92) instances, the request interfered with normal operations (i.e. it contained a significant volume of records, or the volume of requests received exceeded the typical work of the unit).

## **Part 6 – Consultations received from other institutions and organizations**

### **6.1 Consultations received from other Government of Canada institutions and other organizations**

In 2020–2021, LAC received no requests for consultation from other institutions within the GC, nor from any other organizations.

### **6.2 Recommendations and completion time for consultations received from other Government of Canada institutions**

In 2020–2021, LAC received no requests for consultation from other Government of Canada institutions.

### **6.3 Recommendations and completion time for consultations received from other organizations**

Consistent with the last three fiscal years, LAC received no consultation requests from organizations outside the GC in 2020–2021.

## **Part 7 – Completion time of consultations on Cabinet confidences**

### **7.1 Requests with Legal Services**

LAC did not consult with Legal Services on Cabinet confidences in 2020–2021.

### **7.2 Requests with Privy Council Office**

LAC did not consult the Privy Council Office on Cabinet confidences in 2020–2021.

## **Part 8 – Complaints and investigation notices received**

In 2020–2021, LAC received two (2) Notices of Intention to Investigate from the Office of the Privacy Commissioner.

During the reporting period, the Office of the Privacy Commissioner undertook one (1) investigation concerning LAC release packages in accordance with section 35 of the Act. One client submitted a complaint pursuant to a formal privacy request submitted to LAC. LAC applied for an extension to provide representations to the Office of the Privacy Commissioner but failed to do so within the required 60-day period. As such, the complaint was deemed well founded by the Office of the Privacy Commissioner and LAC was found to have contravened a provision of the *Privacy Act*.

## **Part 9 – Privacy impact assessments**

In 2020-2021, LAC implemented new processes to improve the efficiency of the development of privacy impact assessments (PIAs) and continued to use formal templates established in previous fiscal years. Two FTEs in the Policy and Governance unit were dedicated to work on PIAs. During the fiscal year, the following three (3) PIAs were submitted to TBS and their executive summaries were published on the LAC website:

- Documentary Heritage Communities Program
- Public events registration
- Implementation of OCLC WorldShare Management Services

In the 2020-2021 fiscal year, LAC continued work on five (5) PIAs started in the 2019-2020 fiscal year and began the development of six (6) PIAs for new or significantly modified programs. It is anticipated that these PIAs will be completed in the 2021-2022 fiscal year.

## **Part 10 – Resources related to the *Privacy Act***

### **10.1 Costs**

During the past fiscal year, LAC's costs related to the administration of the Act have grown in conjunction with its workload and the assumption of important initiatives that enable LAC to work in an increasingly digital environment.

Furthermore, LAC's costs have grown with the addition of the Litigation Response team's work in support of the [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#) in 2020-2021. This activity is funded by the Department of National Defense (DND) for the provision of records support by LAC to DND for the purpose of the the [CAF-DND Sexual Misconduct Class Action](#) Final Settlement Agreement Claims Process. As per a Memorandum of Understanding between DND and LAC, DND, the "Service Recipient Department" reimburses LAC, "the Service Provider Department" for expenses that LAC must incur for its role in the response to this class action. These include costs such as the salary for the Litigation Response team, the cost of support services across LAC for this team, and other operational or maintenance costs associated with the implementation of this initiative.



In addition to the work performed by staff in LAC’s ATIP and Litigation Response Division, it is important to highlight that staff from across the institution work to support the Division.

Due to the significant increase in ATIP requests received by LAC in recent years, LAC undertook an extensive consultation in 2017–2018, to address and gain a better understanding of the impacts of this increase in volume across LAC’s various business areas.

In light of this information, LAC continues to identify efficiencies and make adjustments to respond to the maximum of requests with the resources it has, while also refining its mechanisms to accurately track and reflect the costs associated with the administration of the Act from across the institution.

In 2020–2021, LAC’s archivists, reference services, circulation, preservation, translation and web publishing staff played key roles to ensure that:

- ATIP requests at LAC are responded to in a timely manner; and
- *Info Source* and annual reports are translated and published.

In the 2017–2018 annual report, the costs reported by LAC included only those of the ATIP division and digitization associated with the administration of the Act. Adhering to the same reporting methodology used in its 2018–2019 and 2019–2020 annual reports, what follows are LAC’s comprehensive costs associated with the administration of the Act for 2020–2021.

**Table 7: Costs of administering the *Privacy Act*<sup>1</sup>**

<b>Cost category</b>	<b>Salary<sup>2</sup></b>	<b>Operations and maintenance</b>
ATIP Division (National Capital Region), including Director	\$1,480,561	\$1,850
ATIP software licenses		\$28,993
ATIP Shipping		\$8,761
ATIP Transportation / travel		\$0
Litigation Response Team (National Capital Region and Winnipeg) <sup>3</sup>	\$1,153,988	\$47,043
Digitization	\$155,247	
Digitization for Litigation Response <sup>3</sup>	\$248,403	\$7,200
Regional staff	\$79,508	
Other costs <sup>4</sup>	\$227,026	\$18,261
<b>Total</b>	<b>\$3,344,733</b>	<b>\$112,108</b>

Notes:

- 1 The financial information presented in this table represents the most current data at the time of the production of this report.
- 2 The financial information presented in this table excludes costs for Employee Benefit Plans (EBPs) (27% of salary).
- 3 This activity (Salary and O&M) is externally funded by the Department of National Defense (DND) for the provision of records support by LAC to DND for the purpose of the the CAF-DND Sexual Misconduct Class Action Final Settlement Agreement Claims Process.
- 4 “Other costs” includes costs associated with the application of the Act related to services such as those provided by archivists, reference, circulation, preservation, security, translation and web publishing.

## 10.2 Human resources

In 2020–2021, there were 34,944 FTEs in the ATIP and Litigation Response Division and 2.79 FTEs across the institution performing work associated with the application of the Act.

Over the course of the past fiscal year, LAC’s ATIP and Litigation Response Division has implemented temporary organizational changes and adapted its human resources and reporting structure to diversify skill sets, streamline operations and effectively respond to its evolving business in ATIP. The Litigation Response team was formed in the third quarter of 2018–2019, which included ATIP analysts, clerical support, team leads and managers. Staff for this team are located in the National Capital Region and Winnipeg. In 2020–2021, this team performed the digitization and informal privacy review of former CAF records in support of the GC’s response to [CAF-DND Sexual Misconduct Class Action Settlement](#).

To respond to the high degree of movement across departments in the ATIP community and high rates of employee turnover, LAC made a concerted effort to retain its existing staff in 2020-2021 and began working towards the development of a Career Management Program for ATIP specialists at LAC.

However, due to significant budget challenges experienced by LAC, many vacant positions were left unfilled across LAC throughout the past fiscal year, including positions in the core ATIP team. To mitigate the impact of this situation on the ATIP Division, on December 14, 2020, LAC sent an institution-wide internal Call for Interest to seek LAC staff interested in providing short-term help to the ATIP Division. The additional staff assistance was sought to assist the Division in its aim to continue providing critical information to the Canadian public and assist with certain priority requests that have a direct impact on the lives, rights, health and well-being of Canadians such as those related to the Federal Indian Day Schools Settlement. The ATIP Division called upon interested LAC staff for full-time and part-time opportunities at various levels from CR-04, PM-01, PM-02, PM-03, HR-02 or equivalent (GT-01, AS-01, AS-02, AS-03, EC-02, LS-02 and HR-02) for a 4-month at-level assignment. In January and February 2021, the division on-boarded 7.7 FTEs at various levels as a

result of this internal call for interest. Just before the end of the fiscal year, on March 30, 2021, LAC renewed and expanded the call for interest for short-term assignments. Some personnel from the initial call for interest did not continue during the renewal (extension), and a second call for interest was launched not only to replace those personnel but to direct even more assistance from across the institution to the ATIP Division. As before, LAC's ATIP and Litigation Response Division was looking for LAC staff to provide temporary support in response to a surge of requests due to various factors, including the Federal Indian Day Schools Settlement and its growing backlog of requests.

### 3. Miscellaneous

#### 1.1 Other requests

There were no other requests for the period from April 1, 2020, to March 31, 2021, relating to the Act.

#### 1.2 Education and training

Personnel working in LAC's ATIP and Litigation Response Division generally participate in a variety of annual professional development events and conferences, including the Archives Association of Ontario Conference, Right to Know Day, the National Claims Research Workshop Conference, the Canadian Access and Privacy Association Conference, and the ARMA NCR Conference to name a few. However, due to COVID-19 many of these in-person events and conferences did not take place in 2020-2021.

Instead, its personnel participated in a number of virtual education and training activities during the reporting period.

##### **Association of Canadian Archivists Conference 2020**

In June 2020, four (4) staff members attended the annual conference entitled "Seeing the Archives Differently - The Online Version".

##### **Ontario Library Association Super Conference 2021**

In February 2021, one (1) staff member attended the annual conference entitled "Clever Minds, Human Hearts".

##### **Virtual Courses, Webinars and Workshops**

In 2020-2021, personnel in the ATIP and Litigation Response Division completed the following courses, webinars and workshops:

- CSPS: Access to Information and Privacy Fundamentals (I015): 2 participants;
- CSPS: Access to Information in the Government of Canada (I701): 2 participants;

- CSPA: Controlling Conflict, Stress, and Time in a Customer Service Environment (W021): 1 participant;
- CSPA: Cultural Self-Reflection: What I Know and What I Don't Know (K099): 3 participants;
- CSPA: Developing a Plan to Further your Career (H014): 1 participant;
- CSPA: First Nations in Canada (K101): 4 participants;
- CSPA: Introduction to Citizen and Client-Centered Service (T233); 2 participants;
- CSPA: Introduction to Project Management (R200): 1 participant;
- CSPA: Introduction to Risk Management (C210): 1 participant;
- CSPA: Inuit in Canada (K103): 2 participants;
- CSPA: Métis in Canada (K102): 3 participants;
- CSPA: Privacy in the Government of Canada (I702): 2 participants;
- CSPA: Providing Telephone Customer Service (R009): 1 participant;
- CSPA: Security Awareness (A230): 3 participants;
- CSPA: The Contributions of Indigenous Peoples to Canada's Military History: 1 participant;
- CSPA: The Uncomfortable Truth (K100): 6 participants;
- CSPA: Understanding Anti-Black Racism and How to Be an Ally (Micro-learning Series): 2 participants;
- CSPA: Writing Briefing Notes (C110): 1 participant;
- CSPA: Power Chat on COVID-19 and Mental Health in the Workplace: 1 participant;
- CSPA: Understanding Quantum Computing and What It Means for the Public Service: 1 participant;
- Dalhousie University: Masters in Information Management - Course MGMT5002: 1 participant;
- Delivering Value During COVID-19: Annual Learning Day for the Government of Canada's Project Management Community: 1 participant;
- National Centre for Truth and Reconciliation Webinar: Practicing Active Allyship in the TRC's Calls to Action: 3 participants;
- University of Alberta: Information Access and Protection of Privacy Foundations course: 1 participant;
- Workshop on How to Manage Virtual Teams for supervisors and managers: 2 participants.

The Division usually organizes a series of annual “101” sessions for new employees, specifically about LAC and how the Division is an integral part of client access to restricted GC archival material. Topics include genealogy, references services, acquisition of GC archival records, preservation, and conservation. Due to COVID-19, the Division was unable to offer as many sessions in 2020-2021.

- Information management for new LAC employees (IM-001): 2 participants; and
- Gatineau Preservation Centre (GPC) tours: 2 participants.

### **Directed training and mentoring**

Internal training and mentoring efforts at LAC were significant this year because of the need to develop employees who had taken on new roles or were new to LAC's ATIP division. The guidance provided by experienced LAC ATIP analysts and members of the ATIP Policy and Governance unit is important in the successful processing of new incoming requests. In addition, LAC's peer-review process was continued in ATIP this fiscal year, to support new analysts in their work.

### 1.3 Significant changes to organization, programs, operations or policy

Over the course of the past fiscal year, LAC's ATIP and Litigation Response Division has adapted its operations, and strengthened its policies and procedures in response to;

- its evolving business,
- specifically funded activities (the [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#)),
- a surge of requests for information in support of claims related to the [Federal Indian Day Schools Class Action](#), and
- changing circumstances and challenges caused by the COVID-19 pandemic.

#### **Temporary organizational changes**

In 2018–2019, LAC temporarily added a Litigation Response team to its ATIP Division to respond to immediate needs, and to meet its roles and responsibilities related to the LGBT Purge Class Action Final Settlement Agreement. To continue to ensure the effective delivery of public services, LAC's Regional Services team, which was part of the same Division, temporarily joined the Reference Services Division. To reflect these changes, the Regional Services and ATIP Division was temporarily renamed the ATIP and Litigation Response Division. This structure will continue to be maintained into the 2021–2022 fiscal year, enabling LAC to support its roles and responsibilities in class actions such as for the [CAF-DND Sexual Misconduct Class Action Settlement Agreement](#).

#### **Operations**

During the past fiscal year, LAC has continued its efforts to improve its business processes and increase public access in alignment with the GC's initiative and directives on [Proactive Disclosure](#) and [Open Government](#) and in response to changes introduced by Bill C-58.

The capacity to work in an increasingly digital environment is integral to LAC's current business needs and ability to provide access, especially in light of the COVID-19 pandemic. In the 2020–2021 fiscal year, LAC's ATIP Division was able to shift its operations quickly to a remote work environment, as many of its administrative processes were already digital.

LAC's clients are able to submit ATIP requests electronically through its [online portal](#). In 2020–2021, LAC received 5,058 informal and 1,655 formal ATIP requests through its online ATIP request portal, a total of 6,713 ATIP requests. Privacy requests made up approximately 28% (1,892) of requests received online. Using the LAC ATIP Online Request service is a faster, easier and more convenient way for LAC's clients to submit ATI requests. Furthermore, it enables LAC to continue registering requests in a remote work environment.

To expedite the delivery of ATIP release packages to its clients, LAC implemented the use of Canada Post's *epost Connect*<sup>TM</sup> service for digital release packages up to the Protected B level. This new digital delivery method provides LAC's clients with a modern alternative to receiving a CD-

ROM in the mail. It also enables LAC to send digital release packages in a remote work environment.

This past fiscal year, LAC also made efforts to continue researching and investigating a variety of solutions to increase its capacity to work in a digital environment and improve its services for clients, including the ability provide online access to open ATI release packages through digital download. This particular solution will enable clients to have the ability to browse previously released ATI packages and download them in PDF format without needing to request a copy from LAC’s ATIP division.

To improve its processes, LAC is also collaborating with other organizations involved in the processing of requests for access to records containing security and intelligence information on the development of more efficient and shared practices. LAC’s onboarding to secure technology infrastructure platforms in recent years has optimized communication while ensuring that the appropriate cybersecurity and privacy protection mechanisms are in place.

While LAC is actively working to make its processes more streamlined and efficient, the number of requests it receives continues to be greater than the volume it can complete. Any increase to the volume of requests received by LAC affects its ability to process requests, and it has an impact on all supporting business areas. Over the past six fiscal years, LAC’s backlog of uncompleted ATIP requests has grown significantly as a result. On March 31, 2016, LAC had a backlog of 2,885 uncompleted ATIP requests. By March 31, 2021 this backlog has grown to 16,922 requests, which represents an overall increase of 487%.

**Table 8: Volume of ATIP requests received and backlog of uncompleted requests over 6 years**

<b>Requests</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>
Total number of ATIP requests received	12,306	12,807	14,331	15,619	17,190	12,801
Total number of ATIP requests completed	11,753	12,280	11,434	13,508	13,391	8,130
<b>Total number of ATIP requests carried forward (Backlog of uncompleted requests)</b>	<b>2,885</b>	<b>3,414</b>	<b>6,310</b>	<b>8,409</b>	<b>12,218</b>	<b>16,922</b>
Total # FTEs working in LAC’s ATIP Division on the Administration of the Acts	34,48	38,9	44,26	74,49*	63,97*	56,97*

\*Note: The total number of FTEs includes the externally funded Litigation Response unit which consisted of 15,88FTE in the 2020-2021 fiscal year.

Out of the 16,922 ATIP requests in LAC's backlog on March 31, 2021, 2,759 are Privacy requests (920 requests are formal Privacy requests and 1,839 are informal Privacy requests).

On March 31, 2020, the oldest formal Privacy request in this queue was 14 months old and the oldest informal Privacy request in this queue was 29 months old.

Clients faced with a long waiting period for a response to their informal request may, as a result, choose to submit a formal request in order to receive their response in the legislated time frame. LAC continues to identify various options and the resources needed to reduce the outstanding queue of informal Privacy requests and considerably reduce the current wait time. Despite the growing queue of requests, LAC continues to make significant efforts to process formal ATIP requests within the legislated timeframe, and urgent requests in an expedited manner.

### **OIC Systemic Investigation**

The growing volume of ATIP requests over recent years and impact of the COVID-19 pandemic have impacted LAC's ability to fulfill its responsibilities under both the *Privacy Act* and the *Access to Information Act* in 2020-2021. However, as LAC prioritized the processing of urgent requests related to medical benefits, social services, class actions, and legal proceedings throughout the pandemic, in 2020-2021, LAC processed a greater number of formal Privacy requests (1,232) compared with formal ATI requests (854). Of these requests, LAC was only able to complete 222 formal Privacy requests and 178 formal ATI requests within legislated timelines.

On January 20, 2021 LAC received a Notice of Intention to Investigate and Summary of Complaint (under s. 32 of the Access to Information Act) from the Information Commissioner of Canada. The Information Commissioner initiated a complaint against Library and Archives Canada (LAC) pursuant to subsection 30(3) of the Access to Information Act. The complaint concerns Library and Archives Canada's ongoing failure to provide timely access to information and based on reports that it is unable to process records under its control during the timeframe of April 1, 2020 to-date (February 4<sup>th</sup>, 2021).

On February 4, 2021, LAC received the request for documentation from the OIC which included information and statistics about requests received and completed by LAC, information on LAC's ATIP processes and copies of its procedures, information and correspondence provided by LAC to clients. The request also included questions asking LAC to explain its challenges, including impact of the COVID-19 pandemic, and its plans to address the situation.

On March 18, 2021, LAC provided its response to the OIC with all requested documentation. An official report by the Information Commissioner of Canada regarding the investigation is expected to be completed in the 2021-2022 fiscal year.

## 1.4 Overview of new or revised *Privacy Act*–related policies and procedures implemented

### **Policy**

The addition of a Policy and Governance unit to LAC’s ATIP team at the end of March 2017 has enabled LAC to accomplish significant work to strengthen its policies and procedures, and to meet the requirements and directives of TBS and the Office of the Privacy Commissioner. During the past fiscal year, the Policy and Governance unit has revised LAC’s *Info Source* chapter, and developed templates and processes for privacy incidents and breaches, privacy notices, personal information banks, classes of records, and privacy impact assessments. In addition, the Policy and Governance unit worked on ATIP workflows, drafted the annual reports to Parliament and continued its oversight of LAC’s reporting via the [Open Data](#) portal. In the 2020–2021 fiscal year, this unit was responsible for all additional reporting to TBS related to the COVID-19 pandemic, including the completion of the Weekly questionnaire on the status of ATIP offices and the Monthly Questionnaire on Consultation Capacity for ATIP Offices.

### **ATIP legislation renewal process**

LAC is an active member in a number of interdepartmental working groups focused on making recommendations for improving the *Access to Information Act* and the *Privacy Act*.

## 1.5 Privacy breaches

There were no material privacy breaches reported during the 2020–2021 fiscal year.

## 1.6 Monitoring

LAC monitors the time invested in processing privacy requests through the specialized ATIP software Access Pro Case Management from CSDS Systems Inc. This software enables LAC to track all request-related activities (e.g. time management, correspondence, consultations and fees) and allows each activity to be reported with specific timelines. A system feature called the “Dashboard” also provides system users, supervisors and managers with information about various data fields. The Dashboard is reviewed monthly by the Systems Specialist in the ATIP and Litigation Response Division to ensure accuracy of reporting including monthly, quarterly and annual statistical reports. The Systems Specialist also produces a number of ad hoc reports and quarterly infographics throughout the year to help keep LAC’s management informed.

The “dashboard” is one tool pertaining to monitoring and compliance; however, LAC has designed several tools and reporting mechanisms to review progress and level of completion of requests. Data fields available for review include the number of requests and request actions that are due within a specific period. Other features, such as system-designed reports and search-builders, allow users,



managers and the system administrator to track all active and closed requests for accuracy, completeness and compliance with regard to regulations, policies and procedures.

If an irregularity is identified in the data reported, this will be brought to the attention of section supervisors. Depending on the severity of the irregularity identified, the case may be brought to the attention of the ATIP Coordinator, Director, Chief Privacy Officer, other senior executives, or the Librarian and Archivist of Canada.

## 1.7 Information holdings

*Sources of Federal Government and Employee Information (Info Source)* is a series of bulletins containing information about, and collected by, the GC. The primary purpose of *Info Source* is to assist individuals in exercising their rights under the Act. *Info Source* also supports the federal government's commitment to facilitate access to information regarding its activities.

A description of LAC's functions, programs, activities and related information holdings can be found in [\*Sources of Federal Government and Employee Information\*](#).

To improve service delivery and reduce the technical burdens for the requesters who chose to submit their request online, the Public Services Branch at LAC has updated its program-related information available online, including *Info Source*. All *Info Source* publications are available online free of charge.

Additional copies of this report are available upon request:

**Access to Information and Privacy Coordinator**

Library and Archives Canada  
395 Wellington Street  
Ottawa, Ontario K1A 0N4

## 4. Appendices

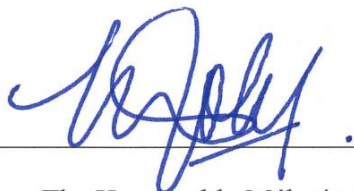
### Appendix A: Delegation Order – *Privacy Act*

#### DELEGATION ORDER

##### Access to Information Act and Privacy Act

Pursuant to Section 73 of the *Access to Information Act* and the *Privacy Act*, I, as head of Library and Archives Canada, hereby designate the persons holding the positions set out in the schedule hereto, or persons occupying on an acting basis those positions, to exercise my powers and functions under these Acts specified opposite each position.

This Delegation Order supersedes all previous *Access to Information Act* and *Privacy Act* Delegation Orders.



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The Honourable Mélanie Joly  
Minister of Canadian Heritage  
MAY 26 2016

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Date

**Powers and functions delegated pursuant to Section 73 of the *Access to Information Act* and the *Access to Information Regulations***

Delegation		Position					
		LAC	DGS	DIR	MAI	A1	A2
Section	Description	1	2	3	4	5	6
<i>Access to Information Act</i>							
4(2.1)	Responsibility of government institutions	x	x	x	x	x	x
7(a)	Notice where access requested	x	x	x	x	x	x
7(b)	Giving access to record	x	x	x	x	x	x
8(1)	Transfer of request to another government institution	x	x	x	x	x	x
9	Extension of time limits	x	x	x	x	x	x
11(2), (3), (4), (5), (6)	Additional fees	x	x		x	x	x
12(2)(b)	Language of access	x	x	x	x		
12(3)(b)	Access in an alternative format	x	x	x	x		
13	Exemption - Information obtained in confidence	x	x	x	x	x	x
14	Exemption - Federal-provincial affairs	x	x	x	x	x	x
15	Exemption - International affairs and defence	x	x	x	x	x	x
16	Exemption - Law enforcement and investigation	x	x	x	x	x	x
16.5	Exemption - <i>Public Servants Disclosure Protection Act</i>	x	x	x	x	x	x
17	Exemption - Safety of individuals	x	x	x	x	x	x
18	Exemption - Economic interests of Canada	x	x	x	x	x	x
18.1	Exemption - Economic interests of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board and VIA Rail Canada Inc.	x	x	x	x	x	x
19	Exemption - Personal information	x	x	x	x	x	x
20	Exemption - Third party information	x	x	x	x	x	x
21	Exemption - Operations of Government	x	x	x	x	x	x
22	Exemption - Testing procedures, tests and audits	x	x	x	x	x	x
22.1	Exemption - Audit working papers and draft audit reports	x	x	x	x	x	x
23	Exemption - Solicitor-client privilege	x	x	x	x	x	x
24	Exemption - Statutory prohibitions	x	x	x	x	x	x

Delegation		Position					
		LAC	DGS	DIR	MAI	A1	A2
Section	Description	1	2	3	4	5	6
<i>Access to Information Act</i>							
25	Severability	x	x	x	x	x	x
26	Exemption - Information to be published	x	x	x	x	x	x
27(1), (4)	Third-party notification	x	x	x	x	x	x
28(1)(b), (2), (4)	Third-party notification	x	x	x	x	x	x
29(1)	Where the Information Commissioner recommends disclosure	x	x	x	x	x	x
33	Advising Information Commissioner of third-party involvement	x	x	x	x	x	x
35(2)(b)	Right to make representations	x	x	x	x	x	x
37(4)	Access to be given to complainant	x	x	x	x	x	x
43(1)	Notice to third-party (application to Federal Court for review)	x	x	x	x	x	x
44(2)	Notice to applicant (application to Federal Court by third-party)	x	x	x	x	x	x
52(2)(b), (3)	Special rules for hearings	x	x	x	x	x	x
71(1)	Facilities for inspection of manuals	x	x	x	x	x	x
72	Annual report to Parliament	x	x	x	x	x	x

Delegation		Position					
		LAC	DGS	DIR	MAI	A1	A2
Section	Description	1	2	3	4	5	6
<i>Access to Information Regulations</i>							
6(1)	Transfer of request	x	x	x	x		
7(2)	Search and preparation fees	x	x	x	x		
7(3)	Production and programming fees	x	x	x	x		
8	Providing access to record(s)	x	x	x	x		
8.1	Limitations in respect of format	x	x	x	x		

**Legend:**

LAC Librarian and Archivist of Canada

DGS Director General, Services

DIR Director, Regional Services and ATIP

MAI Manager, Access to Information and Privacy Division, PM-06

A1 Senior Analyst, Access to Information and Privacy Division, PM-05, PM-04

A2 Personnel Records Analyst, Access to Information and Privacy Division, PM-03

**Powers and functions delegated pursuant to Section 73 of the *Privacy Act* and *Privacy Regulations***

Delegation		Position					
		LAC	DGS	DIR	MAI	A1	A2
Section	Description	1	2	3	4	5	6
<b><i>Privacy Act</i></b>							
8(2)(j)	Disclosure for research purposes	x	x	x	x		
8(2)(m)	Disclosure in the public interest or in the interest of the individual	x	x	x	x		
8(4)	Copies of requests under 8(2)(e) to be retained	x	x	x	x	x	x
8(5)	Notice of disclosure under 8(2)(m)	x	x	x	x	x	x
9(1)	Record of disclosures to be retained	x	x	x	x	x	x
9(4)	Consistent uses	x	x	x	x	x	x
10	Personal information to be included in personal information banks	x	x	x	x	x	x
14	Notice where access requested	x	x	x	x	x	x
15	Extension of time limits	x	x	x	x	x	x
17(2)(b)	Language of access	x	x	x	x		
17(3)(b)	Access to personal information in alternative format	x	x	x	x	x	x
18(2)	Exemption (exempt bank) - Disclosure may be refused	x	x	x	x	x	x
19(1)	Exemption - Personal information obtained in confidence	x	x	x	x	x	x
19(2)	Exemption - Where authorized to disclose	x	x	x	x	x	x
20	Exemption - Federal-provincial affairs	x	x	x	x	x	x
21	Exemption - International affairs and defence	x	x	x	x	x	x
22	Exemption - Law enforcement and investigation	x	x	x	x	x	x
22.3	Exemption - <i>Public Servants Disclosure Protection Act</i>	x	x	x	x	x	x
23	Exemption - Security clearances	x	x	x	x	x	x
24	Exemption - Individuals sentenced for an offence	x	x	x	x	x	x
25	Exemption - Safety of individuals	x	x	x	x	x	x
26	Exemption - Information about another individual	x	x	x	x	x	x
27	Exemption - Solicitor-client privilege	x	x	x	x	x	x
28	Exemption - Medical record	x	x	x	x	x	x
31	Notice of intention to investigate	x	x	x	x	x	x

Delegation		Position					
		LAC	DGS	DIR	MAI	A1	A2
Section	Description	1	2	3	4	5	6
<i>Privacy Act</i>							
33(2)	Right to make representation	x	x	x	x	x	x
35(1)	Findings and recommendations of Privacy Commissioner (complaints)	x	x	x	x	x	x
35(4)	Access to be given	x	x	x	x	x	x
36(3)	Report of findings and recommendations (exempt banks)	x	x	x	x	x	x
37(3)	Report of findings and recommendations (compliance review)	x	x	x	x	x	x
51(2)(b)	Special rules for hearings	x	x	x	x		
51(3)	Ex parte representations	x	x	x	x		
72(1)	Report to Parliament	x	x	x	x	x	x

Delegation		Position					
		LAC	DGS	DIR	MAI	A1	A2
Section	Description	1	2	3	4	5	6
<i>Privacy Regulations</i>							
9	Reasonable facilities and time provided to examine personal information	x	x	x	x		
11(2)	Notification that correction to personal information has been made	x	x	x	x		
11(4)	Notification that correction to personal information has been refused	x	x	x	x		
13(1)	Disclosure of personal information relating to physical or mental health may be made to a qualified medical practitioner or psychologist for an opinion on whether to release information to the requestor	x	x	x	x		
14	Disclosure of personal information relating to physical or mental health may be made to a requestor in the presence of a qualified medical practitioner or psychologist	x	x	x	x		

**Legend:**

- LAC Librarian and Archivist of Canada
- DGS Director General of Services
- DIR Director
- MAI Manager, Access to Information and Privacy Division, PM-06
- A1 Senior Analyst, Access to Information and Privacy Division, PM-05, PM-04
- A2 Analyst, Access to Information and Privacy Division, PM-03



# Appendix B: Statistical Report on the *Privacy Act*



## Statistical Report on the *Privacy Act*

Name of institution: Library and Archives Canada  
 Reporting period: 2020-04-01 to 2021-03-31

### Section 1: Requests Under the *Privacy Act*

#### 1.1 Number of requests

	Number of Requests
Received during reporting period	1516
Outstanding from previous reporting period	636
<b>Total</b>	<b>2152</b>
Closed during reporting period	1232
Carried over to next reporting period	920

### Section 2: Requests Closed During the Reporting Period

#### 2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	27	56	46	54	41	17	0	241
Disclosed in part	19	20	41	160	102	388	19	749
All exempted	0	0	0	0	0	1	0	1
All excluded	0	0	0	1	0	0	0	1
No records exist	14	18	24	14	14	74	1	159
Request abandoned	60	6	1	8	3	3	0	81
Neither confirmed nor denied	0	0	0	0	0	0	0	0
<b>Total</b>	<b>120</b>	<b>100</b>	<b>112</b>	<b>237</b>	<b>160</b>	<b>483</b>	<b>20</b>	<b>1232</b>

TBS/SCT 350-83



## 2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	0	23(a)	0
19(1)(a)	0	22(1)(a)(ii)	0	23(b)	0
19(1)(b)	0	22(1)(a)(iii)	0	24(a)	0
19(1)(c)	0	22(1)(b)	0	24(b)	0
19(1)(d)	0	22(1)(c)	0	25	0
19(1)(e)	0	22(2)	0	26	754
19(1)(f)	0	22,1	0	27	0
20	0	22,2	0	27,1	0
21	0	22,3	0	28	0
		22,4	0		

## 2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
69(1)(a)	1	70(1)	0	70(1)(d)	0
69(1)(b)	1	70(1)(a)	0	70(1)(e)	0
69,1	0	70(1)(b)	0	70(1)(f)	0
		70(1)(c)	0	70,1	0

## 2.4 Format of information released

Paper	Electronic	Other
514	471	5

## 2.5 Complexity

### 2.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
669501	228595	1073

### 2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	224	1790	14	3075	2	1169	1	1002	0	0
Disclosed in part	166	5877	215	47356	156	76027	202	89494	10	2805
All exempted	0	0	0	0	0	0	1	0	0	0
All excluded	0	0	0	0	0	0	1	0	0	0
Request abandoned	81	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>471</b>	<b>7667</b>	<b>229</b>	<b>50431</b>	<b>158</b>	<b>77196</b>	<b>205</b>	<b>90496</b>	<b>10</b>	<b>2805</b>

### 2.5.3 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	0	0	0	120	120
Disclosed in part	0	0	0	165	165
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	1	1
Neither confirmed nor denied	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>286</b>	<b>286</b>

## 2.6 Closed requests

### 2.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	222
Percentage of requests closed within legislated timelines (%)	18

## 2.7 Deemed refusals

### 2.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
1010	0	0	30	980

### 2.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timelines Where an Extension Was Taken	Total
1 to 15 days	71	1	72
16 to 30 days	35	0	35
31 to 60 days	112	0	112
61 to 120 days	208	1	209
121 to 180 days	159	16	175
181 to 365 days	332	72	404
More than 365 days	3	0	3
<b>Total</b>	<b>920</b>	<b>90</b>	<b>1010</b>

## 2.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Section 3: Disclosures Under Subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
35	0	0	35

### Section 4: Requests for Correction of Personal Information and Notations

Disposition for Correction Requests Received	Number
Notations attached	0
Requests for correction accepted	0
<b>Total</b>	<b>0</b>

### Section 5: Extensions

#### 5.1 Reasons for extensions and disposition of requests

Number of requests where an extension was taken	15(a)(i) Interference with operations				15 (a)(ii) Consultation			15(b) Translation purposes or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External	Internal	
92	0	92	0	0	0	0	0	0

#### 5.2 Length of extensions

Length of Extensions	15(a)(i) Interference with operations				15 (a)(ii) Consultation			15(b) Translation purposes or conversion
	Further review required to determine exemptions	Large volume of pages	Large volume of requests	Documents are difficult to obtain	Cabinet Confidence Section (Section 70)	External	Internal	
1 to 15 days	0	0	0	0	0	0	0	0
16 to 30 days	0	92	0	0	0	0	0	0
31 days or greater								0
<b>Total</b>	<b>0</b>	<b>92</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Section 6: Consultations Received From Other Institutions and Organizations

#### 6.1 Consultations received from other Government of Canada institutions and other organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Closed during the reporting period	0	0	0	0
Carried over to the next reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Section 7: Completion Time of Consultations on Cabinet Confidences

### 7.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 7.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Section 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
2	0	1	0	3

## Section 9: Privacy Impact Assessments (PIA) and Personal Information Banks (PIB)

### 9.1 Privacy Impact Assessments

Number of PIA(s) completed	3
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### 9.2 Personal Information Banks

Personal Information Banks	Active	Created	Terminated	Modified
	80	2	0	2

## Section 10: Material Privacy Breaches

Number of material privacy breaches reported to TBS	0
Number of material privacy breaches reported to OPC	0

## Section 11: Resources Related to the Privacy Act

### 11.1 Costs

Expenditures	Amount
Salaries	\$2 634 549
Overtime	\$0
Goods and Services	\$0
• Professional services contracts	\$0
• Other	\$0
<b>Total</b>	<b>\$2 634 549</b>

### 11.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	34,138
Part-time and casual employees	0,199
Regional staff	0,000
Consultants and agency personnel	0,000
Students	0,607
<b>Total</b>	<b>34,944</b>

Note: Enter values to three decimal places.



# Appendix C: Supplemental Statistical Report on the *Privacy Act*



## Supplemental Statistical Report on the *Access to Information Act* and *Privacy Act*

Name of institution: Library and Archives Canada

Reporting period: 2020-04-01 to 2021-03-31

### Section 1: Capacity to Receive Requests

Enter the number of weeks your institution was able to receive ATIP requests through the different channels.

	Number of Weeks
Able to receive requests by mail	50
Able to receive requests by email	52
Able to receive requests through the digital request service	52

### Section 2: Capacity to Process Records

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	0	52	0	52
Protected B Paper Records	20	32	0	52
Secret and Top Secret Paper Records	20	32	0	52

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Electronic Records	0	52	0	52
Protected B Electronic Records	0	52	0	52
Secret and Top Secret Electronic Records	20	32	0	52